

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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OCTAVIANO MUNIZ, et al.,

Plaintiffs,

-against-

PIER A BATTERY PARK ASSOCIATES, LLC, et al.,

Defendants,  
-----X

No. 19-CV-7468 (OTW)

**ORDER**

**ONA T. WANG, United States Magistrate Judge:**

Following a pretrial conference, the parties continued to discuss settlement and reached an agreement. (ECF 96). After three extensions of time to submit fairness motions, the parties submitted their executed settlement agreement to this Court for approval under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (ECF 104). Due to a filing error, the parties resubmitted their fairness motion (ECF 105) and settlement agreement (ECF 105, Ex. A (the “Agreement”)) on December 3, 2021. All parties have consented to my exercising plenary jurisdiction in accordance with 28 U.S.C. § 636(c). (ECF 105). The Court has carefully reviewed the Agreement and supporting submissions. For the reasons set forth below, the Court approves the Agreement as fair and reasonable.

Under the Agreement, defendants Pier A Battery Park Associates, LLC., Peter Poulakakos, Paul Lamas and Anthony Malone (herein collectively referred to as “Defendants”) will pay \$50,000.00 in total, of which Plaintiff Muniz is to receive \$3,927.44; Plaintiff Morales is to receive \$2,277.23; Plaintiff Criollo is to receive \$14,787.49; Plaintiff Recalde is to receive \$6,082.43; Plaintiff Fill is to receive \$4,941.41; and plaintiffs’ counsel, Colin Mulholland, Esq. is

to receive \$1,656.20 in costs and \$16,327.80 in fees. (ECF 105 at 3). Defendants will pay Plaintiffs and plaintiffs' counsel in one single installment. (ECF 105 at 2).

The Agreement therefore allocates approximately one-third of the settlement amount to plaintiffs' counsel, representing the sum of attorneys' fees and reimbursement for expenses. Upon careful review of the Agreement, the Court is satisfied that the Agreement was achieved through procedurally fair means and is fair and reasonable such that it satisfies the standard set forth in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2005).

Accordingly, the Court approves the Agreement. The Clerk of Court is respectfully directed to close this case.

**SO ORDERED.**

Dated: December 8, 2021  
New York, New York

s/ Ona T. Wang

**Ona T. Wang**  
United States Magistrate Judge